

FILED

March 4, 2003

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

JAMES GORELICK, M.D.

**CONSENT ORDER
CONDITIONALLY REINSTATING
LICENSURE**

This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a written petition from respondent James Gorelick, M.D., asking that the Board consider reinstating his New Jersey medical license. Respondent's New Jersey license was suspended by operation of a Final Order of this Board filed August 31, 1999. The order provided that respondent could apply for reinstatement, and that, in such event, respondent would have to appear before a committee of the Board to demonstrate fitness to practice. The Board expressly reserved the right to place restrictions on licensure in the event respondent's license was reinstated.

Respondent appeared before a Committee of the Board on October 2, 2002, and then offered testimony concerning, *inter alia*, the disciplinary action taken against him in the State of Florida by the Florida Board of Medicine and the actions he has taken since his Florida license was reinstated to comply with the conditions of probation imposed upon him in Florida. The Committee was additionally furnished with a copy of a Notice of Termination of

Probation issued by the Florida Board of Medicine, which notice declared that respondent had completed his period of probation with the Florida Board on June 11, 2001, and had complied with all terms of said probation, and a copy of a letter dated April 24, 2001 from the Physicians' Resource Network (a program administered by the Florida Medical Foundation, hereinafter the "PRN") to Dr. Gorelick which confirmed that Dr. Gorelick had successfully completed his monitoring contract with the PRN.

As set forth in our August 31, 1999 Order, the suspension of respondent's license was based on a sister-state action taken by the Florida Board of Medicine. Specifically, the Florida Board of Medicine suspended respondent's license for a period of two years by way of Order entered on or about December 5, 1995; eighteen months of the suspension were stayed, and five years of probation were additionally imposed. The Florida Board of Medicine additionally imposed a permanent restriction on respondent's license prohibiting respondent from ever examining or treating a female patient without a Florida licensed female health practitioner present in the examining room. The Florida action was based on charges that respondent had sexually assaulted three patients, which charges respondent neither admitted nor denied when entering the Consent Order with the Florida Board. It is the case, however, that respondent was charged criminally in all three cases with having committed sexual battery, was found guilty upon entering a plea of *nolo contendere* to the criminal charges on or about May 6, 1993, and

was placed on Community Control for two years (akin to house arrest) followed by five years probation.

The Florida Board of Medicine imposed a series of conditions upon respondent's practice during the extended period of probation which followed the six month period of active license suspension, which conditions included requirements that respondent pay a fine of \$15,000, attend continuing medical education in medic31 ethics, perform 200 hours of community service, participate and comply with the PRN, and practice under "indirect supervision" of a monitoring physician approved by the Florida Board. As noted above, evidence available to the Board demonstrates that respondent completed his period of probation on June 11, 2001, and complied with all terms and conditions of probation.

Respondent thus presently holds a license to practice medicine in Florida, the state in which his present practice is located, subject only to the permanent restriction that precludes him from examining or treating a female patient without a female health practitioner in the examining room at all times. Respondent is engaged in the practice of adult neurology, and his practice is limited to the State of Florida. Respondent testified that he presently has no intention to resume the practice of medicine in the State of New Jersey even if his petition for reinstatement of his New Jersey license is presently granted.

The Board has considered respondent's petition for reinstatement, and concludes that cause exists to conditionally

grant the application, based on the finding that respondent has complied with all terms and conditions of his probation in the State of Florida, the state which had primary responsibility for monitoring his practice and wherein he continues to practice presently. As was the case in Florida, the nature of the allegations brought against respondent dictates that a permanent condition be placed on his licensure that respondent be precluded from examining or treating any female patients unless a female chaperone, acceptable to the Board, is present during the examination and/or treatment session.

While this Board would be inclined to presently impose additional conditions on respondent's practice, to include a condition that respondent submit to an evaluation by the Physicians' Health Program of the Medical Society of New Jersey (the "PHP"), and that he thereafter participate with the PHP on such terms as might be recommended by the PHP, we find the need to presently impose any conditions beyond the aforementioned chaperoning requirement is obviated by the fact that respondent has testified that he presently does not intend to practice in New Jersey. Given that testimony, we will presently defer making any determination whether additional conditions need be placed on respondent's licensure, and instead reserve the right to impose such conditions if and when respondent advises this Board that he intends to resume practice in New Jersey.

The Board finding that cause exists to conditionally grant respondent's application for reinstatement, and finding that the within Order adequately protects the public health, safety and welfare, and for good cause shown,

IT IS on this 17th day of February, 2003

ORDERED:

1. The license of James Gorelick, M.D., to practice medicine and surgery in the State of New Jersey is hereby reinstated, subject to his compliance with all conditions set forth below.

2. In the event respondent ever practices medicine in the State of New Jersey, such practice shall be subject to a permanent condition that respondent have a female chaperone present whenever he treats or examines any female patients. The chaperone shall need to be approved in advance by the Board, and the chaperone shall be required to initial all patient charts when she is present during examinations or treatments of female patients. The chaperone shall be required to sign an agreement with the Board acknowledging her awareness of the terms of this Order and her agreement to serve as a chaperone, and shall be required to make an immediate report to the Board in the event she obtains any information suggesting that respondent has violated the terms of this Order. Respondent expressly agrees that, in the event he examines or treats any female patient at any time that a Board approved chaperone is not present, such conduct shall be cause for the summary entry of an Order by this Board suspending his New Jersey medical license.

3. Prior to commencing practice in the State of New Jersey, respondent shall **provide the** Board with written notice advising the Board of his **intention to** resume practice in the State, and shall **then appear** before a Committee of **the** Board. **Following** said appearance, the Board **shall determine** whether additional conditions **should be placed upon any** practice of medicine **by respondent**. The Board **expressly** reserves the right to place conditions or limitations upon any practice of medicine in New Jersey By respondent, **by the** entry of a **supplemental Order**, to include the possible imposition of a requirement that respondent submit to an evaluation by the Physicians' Health Program of the **Medical Society of** New Jersey and that, **should** the PHP recommend that he **participate** with or **be** monitored by the PHP, **he be** required to follow any such recommendations.

NEW JERSEY STATE
BOARD OF MEDICAL EXAMINERS

By: William V. Harrer M.D. B.L.D.
William V. Harrer, M.D., B.L.D.
Board President

I represent that I agree to **be** bound
by the terms **of this** Order. Consent
is hereby given to the Board to
enter this Order.

James Gorelick, M.D.